

Customer Number  
24024

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that the documents itemized below for **Atty. Docket No. 30451/04013** are being transmitted electronically to the United States Patent and Trademark Office (USPTO) via the USPTO's Electronic Filing Service (EFS-Web) on this 11<sup>th</sup> day of October, 2007.

Signed: Ellen Grzelak  
Ellen Grzelak

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Roycroft	)	Examiner: Not yet assigned
	)	
Serial No.: 10/533,334	)	Group Art Unit: Not yet assigned
	)	
Int'l Filing Date: November 1, 2003	)	Confirmation No.: 5157
	)	
For: <b>AMPHIBIOUS VEHICLE WHEEL</b>	)	Attorney Docket No.: 30451/04013
<b>TRANSMISSION ARRANGEMENT</b>	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PETITION UNDER 37 CFR § 1.182**

Dear Sir:

Please find attached a copy of a Response that was submitted to U.S. Patent and Trademark Office on May 16, 2007. It has come to the attention of the attorney for applicant that the previously submitted Response contained a typographical error on the transmittal papers when referencing the serial number and consequently the Response was entered in the wrong file because of the incorrect serial number. The correct serial number that should of appeared on the

transmittal papers is 10/533,334 and not 10/553,334.. The Response and accompanying papers did indicate the correct serial number. It is respectfully requested that the Response filed on May 16, 2007 be treated as filed on that date in U.S. Patent Application No. 10/533,334. The Commissioner is hereby authorized to charge the surcharge as set forth in 37 CFR §1.17 of \$400 for the Petition fee; any additional fee(s) and/or credit any overpayment to our Deposit Account 03-0172, order number 30451/04013.

Respectfully submitted,

Date: October 11, 2007

  
\_\_\_\_\_  
William A. Johnston  
(Reg. No.: 47,687)  
Calfee, Halter & Griswold LLP  
1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, OH 44114-2688  
Phone (216) 622-8576  
Fax (216) 241-0816

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# TRANSMITTAL FORM

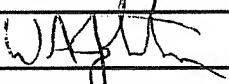
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission **9**Application Number **10/553,334**Filing Date **NOVEMBER 1, 2003**First Named Inventor **TERENCE J. ROYCROFT**Art Unit **NOT YET ASSIGNED**Examiner Name **NOT YET ASSIGNED**Attorney Docket Number **30451.04013**

## ENCLOSURES (Check all that apply)

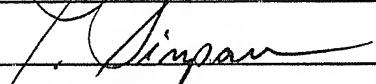
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return receipt postcard; Return copy of Notice (2 pages); Response to Petition under 37 CFR 1.47b (2 pages); executed dec (2 pages) check for 795.00
<div style="border: 1px solid black; padding: 2px;">Remarks</div> <p>Please charge our Deposit Account Number 03-0172 for any additional fees or credit any overpayment to the same deposit account.</p>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	CALFEE, HALTER, & GRISWOLD LLP		
Signature			
Printed name	WILLIAM A. JOHNSTON		
Date	May 15, 2007	Reg. No.	47,687

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature 

Typed or printed name **Patrice Simpson** Date **May 16, 2007**

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. see below.

Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)

**FEES TRANSMITTAL  
For FY 2006** Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 795.00)

**Complete if Known**

Application Number	10/553,334
Filing Date	NOVEMBER 1, 2003
First Named Inventor	TERENCE ROYCROFT
Examiner Name	NOT YET ASSIGNED
Art Unit	NOT YET ASSIGNED
Attorney Docket No.	30451.04013

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 03-0172 Deposit Account Name: Calfee Halter, & Griswold

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)
- 20 or HP =		x	=	50	25
HP = highest number of total claims paid for, if greater than 20.				200	100
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180
- 3 or HP =		x	=		
HP = highest number of independent claims paid for, if greater than 3.					

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

**4. OTHER FEE(S)**

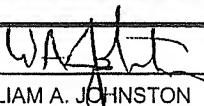
Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): PETITION FOR EXTENSION OF TIME

Fees Paid (\$)

\$795.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 47,687	Telephone (216) 622-8576
Name (Print/Type)	WILLIAM A. JOHNSTON		Date May 15, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 16 day of May, 2007.

Typed or Printed name of person signing this certificate:

Patrice Simpson

Signed: Patrice Simpson

Customer Number

24024

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Examiner: Not yet assigned
Terence James Roycroft	)	
	)	
Serial No.: 10/533,334	)	Group Art Unit: Not yet assigned
	)	
Int'l Filing Date: 01 November 2003	)	
	)	
For: AMPHIBIOUS VEHICLE	)	Attorney Docket No.: 30451/04013
TRANSMISSION ARRANGEMENT	)	

Mail Stop PCT  
Attention: Richard M. Ross  
Office of PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.47(b) and  
RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Dear Sir:

In response to the Decision of Petition under 37 CFR 1.47(b), the inventor has agreed to execute the application papers. Therefore, in response to Decision and the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated 04/06/2006, applicant respectfully submits the following:

1. A copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
2. Executed Declaration;
3. Four month extension of time; and

4. A check in the amount of \$795.00 to cover the fee for the four month extension of time.

Also, there is an error in respect to the spelling of the applicant's name. Please correct the records of the USPTO as follows: "Terrence Roycroft" should be --Terence Roycroft--.

As the surcharge fee has already been submitted, it is believed that no addition surcharge fee is required. If this is not the case, the Patent Office is hereby authorized to charge any additional fees related to this Response to Deposit Account No. 03-0172, Order No. 30451/04013. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date: May 15, 2007



---

William A. Johnston, Reg. No. 47,687  
Calfee, Halter & Griswold LLP  
1400 KeyBank Center  
800 Superior Avenue  
Cleveland, OH 44114-2688  
(216) 622-8576



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,334	Terrence James Roycroft	30451/04013
INTERNATIONAL APPLICATION NO.		
PCT/GB03/04752		
I.A. FILING DATE	PRIORITY DATE	
11/01/2003	11/01/2002	
CONFIRMATION NO. 5157		
371 FORMALITIES LETTER		
 *OC000000018466005*		

Date Mailed: 04/06/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 05/02/2005
- Copy of the International Search Report filed on 05/02/2005
- Preliminary Amendments filed on 05/02/2005
- Information Disclosure Statements filed on 05/02/2005
- Small Entity Statement filed on 05/02/2005
- Copy of references cited in ISR filed on 05/02/2005
- U.S. Basic National Fees filed on 05/02/2005
- Priority Documents filed on 05/02/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

DO

Ap

DBC

WAS

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

---

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,334	PCT/GB03/04752	30451/04013

FORM PCT/DO/EO/905 (371 Formalities Notice)

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted With Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	30451/04013
First Named Inventor	Terence James Roycroft
<b>COMPLETE IF KNOWN</b>	
Application Number	10/533,334
Filing Date	05/02/2005
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**AMPHIBIOUS VEHICLE WHEEL TRANSMISSION ARRANGEMENT**

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 05/02/2005 as United States Application Number or PCT International

Application Number 10/533,334 and was amended on (MM/DD/YYYY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed		Certified Copy Attached?	
			YES	NO	YES	NO
PCT/GB2003/004752	GB	11/01/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
0225492.8	GB	11/01/2002	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

09-05-'07 15:46 FROM-Gibbs Technologies

+02476388868

T-834 P03/03 U-718

FROM : Phillips &amp; Associates

FAX NO. : 674 4460

May. 05 2007 03:03AM P2

JUN. 20. 2006 4:11PM CALFEE HALTER GRISHWOLD

NU. Y410 R. 4

D6+ D.I

PTO/SB/01 (10-05)

Approved for use through 07/01/2008, GMB 0801-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## DECLARATION - Utility or Design Patent Application

Direct all correspondence to:  The address associated with Customer Number: 24024  OR  Correspondence address below

Name

Address

City

State

ZIP

Country

Telephone

Email

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed in me truly; and further that these statements will make with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

 A petition has been filed for this unsigned inventor

Given Name (First and middle [if any])

Family Name of Inventor

Terrance James

Roycroft

Inventor's Signature

*Terrance James Roycroft*Date *20.08.06*

Residence: City

State

Country

Citizenship

Awatua

Waikato

New Zealand

New Zealand

Mailing Address  
138 Manukau Heads Road

City

State

Zip

Country

Awatua

Waikato

P234

New Zealand

 Additional inventors or a legal representative are being listed on the

supplemental sheet(s) PTO/SB/02A or 02LR, attached hereto.